

REMARKS

In response to the Non-Final Office Action dated February 26, 2008 ("the Office Action"), entry of the foregoing amendments and reconsideration of the above-identified application are respectfully requested in view of the following remarks.

I. Formalities:

Applicants have voluntarily amended the drawings, as indicated above, to correct a minor labeling error that was inadvertently introduced into FIG. 17. In particular, FIG. 17 has been amended to interchange "YES" and "NO" labels of step "S1705". Support for this amendment may be found at least in page 23, lines 16-24 of the specification, as originally filed. A replacement drawing sheet bearing the indicia "Replacement Sheet" has been attached to this document.

II. Status of the Application:

Claims 1-25 are currently pending in the present application. In the Office Action, the Examiner has rejected claims 1-5 and 13-25, and has objected to claims 6-12. More specifically, claims 6-12 have been indicated as containing allowable subject matter, but were objected to as being dependent upon a rejected claim. Claims 1-5 and 13-25 have been rejected on the grounds of non-statutory obviousness-type double patenting.

With this amendment, claim 1 has been amended to incorporate the subject matter of claim 6, which has now been cancelled.. Claims 13-25 have been cancelled without prejudice or disclaimer. No new matter has been introduced by this amendment.

II. Allowable Subject Matter:

Claims 6-12 have been objected to as being dependent upon a rejected claim, but indicated that would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. (Office Action, page 4).

Applicants acknowledge the Examiner's indication of allowable subject matter in the aforementioned claims, and have amended the pending claims accordingly herein.

III. Non-Statutory Double Patenting:

Claims 1-5 and 13-25 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of commonly owned U.S. Patent No. 7,188,279 (hereafter “Patent ‘279”). Claims 1, 13-16, and 21-25 have also been rejected under obviousness-type double patenting as being unpatentable over claims 15, 17, 18 and 21 of commonly owned U.S. Patent No. 7,086,034 (hereafter “Patent ‘034”). Although the conflicting claims are not identical, the Office Action alleges that these claims are not patentably distinct from each other.

In the Office Action, the Examiner asserts that claims 15, 17, 18 and 21 of Patent ‘034 “contains every element of claims 1, 13, 14, 15, 16, and 21-25 of the instant application and as such anticipate claims 1, 13, 14, 15, 16, and 21-25 of the instant application.” (See Office Action, page 2). In addition, the Examiner also states that claims 1-10 of Patent ‘279 “contains every element of claims 1-5 and 13-25 of the instant application and as such anticipate claims 1-5 and 13-25.” (See Office Action, page 3). In other words, none of Patent ‘279 or Patent ‘034 discloses the features of claim 6.

Applicants respectfully request reconsideration of the claims in view of the amendments now presented herein. Claim 1 has been amended to incorporate the subject matter of claim 6, which was previously indicated as containing allowable subject matter by the Examiner. Claims 2-5 and 7-12 now depend directly from claim 1. Claims 6 and 13-25 have been cancelled.

In view of the above, Applicants respectfully assert that amended claim 1 is now patentably distinct from claims 15, 17, 18 and 21 of Patent ‘034 and from claims 1-10 of Patent ‘279. Claims 2-5 and 7-12 depend from claim 1. None of the above-cited commonly owned patents, taken alone or in combination, teach or suggest the features recited in the previously presented claim 6 and now incorporated into claim 1.

Consequently, Applicants respectfully submit that, in addition to claims 6-12 previously indicated allowable, claim 1 and claims dependent thereof are also distinguishable from commonly owned Patents ‘034 and ‘279. As a result, Applicants believe that independent

claim 1, as well as the other pending claims which depend from claim 1, are now in condition for allowance.

IV. Rejections Under 35 U.S.C. §101:

Claim 24 has been rejected under §101 as being directed to non-statutory subject matter.

Applicants have cancelled claim 24. Accordingly, this rejection has been rendered moot.

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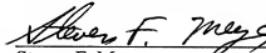
Based on the foregoing amendments and remarks, Applicants respectfully request withdrawal of the rejections, reconsideration of the pending claims, and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 1232-5364. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 1232-5364. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: May 27, 2008
By: 
Steven F. Meyer
Registration No. 35,613

Correspondence Address:

Address Associated With Customer Number:
27123

(212) 415-8700 Telephone
(212) 415-8701 Facsimile